

STATE OF NEW YORK  
SUPREME COURT ONONDAGA COUNTY

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LD Days and Harriett Days  
Plaintiffs

-against-

SUMMONS

City of Syracuse, Onondaga County  
Sheriff and Onondaga County

Index No.

Defendant,

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TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service, (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Plaintiff designates Onondaga County as the place of trial.

The basis of the venue is Plaintiff's address.

The Defendants addresses are: City of Syracuse, 203 City Hall, 233 E. Washington Street, Syracuse, NY, Onondaga County Sheriff, 407 South

State Street, Syracuse, NY, Onondaga County, John H. Mulroy Civic  
Center, 421 Montgomery Street, Syracuse, NY

Dated: October 29, 2018

A handwritten signature in blue ink, appearing to read "Dirk J. Oudemool", is written over a horizontal line.

DIRK J. OUDEMPOOL, ESQ.

Attorney for Plaintiffs

Office and P.O. Address

333 East Onondaga Street

Syracuse, New York 13202

Phone: (315) 474-7447

STATE OF NEW YORK  
SUPREME COURT ONONDAGA COUNTY

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LD Days and Harriett Days

Plaintiffs

COMPLAINT

Vs.

Index No.

City of Syracuse,  
Onondaga County Sherriff and  
Onondaga County

Defendants

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Plaintiffs complaining of the Defendants, alleges as follows:

1. The Defendant, City of Syracuse is a municipal corporation of the State of New York.
2. The Defendant, Onondaga County Sheriff is a Constitutional and Statutory Officer under the laws of the State of New York.
3. The Defendant, County of Onondaga is a municipal corporation of the State of New York.
4. Plaintiffs are the owners of certain premises known as 222 Kirk Avenue in the City of Syracuse.
5. A Notice of Claim regarding the causes of action hereinafter alleged was duly served on the City of Syracuse and the County of Onondaga and more than 30 day have elapsed since it was served.

FOR A FIRST CAUSE OF ACTION  
PLAINTIFFS ALLEGE AGAINST THE DEFENDANTS

6. On May 2, 2018 the City of Syracuse Police Department and the Onondaga County Sheriff's Department searched, ransacked and destroyed the contents of Plaintiffs' residence without Plaintiffs' permission.
7. Certain of Plaintiffs possessions were removed without consent and no receipt was given.
8. By reason of the foregoing trespass, property destruction and removal, Plaintiffs were damaged in the sum of \$50,000.
9. By reason of the foregoing, trespass and intentional damage of Plaintiffs' property, Plaintiffs are entitled to treble damages.

FOR A SECOND CAUSE OF ACTION  
LD DAYS ALLEGES AGAINST THE DEFENDANTS

10. On May 2, 2018 the Defendants without a Warrant and without probable cause falsely arrested and falsely imprisoned LD Days prior to and during the aforesaid search of Plaintiffs' residence.
11. By reason of the foregoing LD Days sustained damages in the amount of \$250,000.

FOR A THIRD CAUSE OF ACTION  
PLAINTIFFS ALLEGE AGAINST THE DEFENDANTS

12. On May 2, 2018 in violation of 42 USC §1983 the Defendants without probable cause and without a warrant forced LD Days to stop operating his motor vehicle in the City of Syracuse, ordered him out of his motor vehicle, totally restricted his freedom, compelled him under arrest to travel to 222 Kirk Avenue and to be detained while his home was searched and

ransacked in his presence and removed from his house approximately \$30,000 in cash.

13. The foregoing activity of the Defendants was without a warrant, without probable cause and without consent. No search warrant was displayed.
14. Upon completion of the aforesaid activity by the Defendants, LD Days was released and his home was left in disarray, and no receipt for the cash removed was given.
15. To date since May 2, 2018 no further action has been taken by the Defendants as to Plaintiffs.
16. By reason of the foregoing and pursuant to 42 USC 1988(b), Defendants are required to reimburse Plaintiffs attorney's fees incurred in prosecuting this action.

Wherefore Plaintiffs' demand judgment in the First Cause of Action in the amount of \$50,000 plus treble damages and the Plaintiff LD Days demands judgment in the Second Cause of Action in the amount of \$250,000 and in the Third Cause of Action Plaintiffs demand \$500,000 plus attorney fees, and in all actions demand costs and disbursements of this action.

Dated October 29, 2018



Dirk J. Oudemool, Esq.,  
Attorney for the Plaintiffs  
Address and PO Box  
333 East Onondaga Street  
Syracuse, New York 13202